

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF EASTERN MASSACHUSETTS

2005 FEB 23 P 12:49

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DENNIS J. SOLOMON, Plaintiff

U.S. DISTRICT COURT  
DISTRICT OF MASS

v.

Civil No: 04-12499WGY

CHARLES VEST,  
et al., Defendants  
\_\_\_\_\_

**PLAINTIFF'S MOTION TO STRIKE & REMOVAL MR. SWOPE**

The Plaintiff, Dennis J. Solomon, pro se, respectfully requests this Court to strike Defendant MIT's Motion to Dismiss under F.R. Civ. P. 12(b) (6) filed on February 15, 2005 on the grounds that it is fraudulently presented and in violation of Local Rule 7.1 (2): Motion Practice which states that *"No motion shall be filed unless counsel certify that they have conferred and have attempted in good faith to resolve or narrow the issue."*

Together with the filing, Defendant's counsel, Jeffrey Swope, filed a sworn statement (Exhibit 1 attached) attesting that I failed to respond to two telephone calls on February 1 and 15 from Mr. Swope. I attest, under penalties of perjury and by attached affidavit, that I responded timely and left messages to both calls, directed by his secretary to his voice mail. Shortly after the

second call, had a conversation with Mr. Swope which, after ascertaining that Mr. Swope was representing MIT and not Defendant Charles Vest, he abruptly terminated when I "stated that willing to dismiss the matter as to the MIT." Furthermore, after Mr. Swope rudely hung up, I emailed a partial restatement reiterating my desire to dismiss MIT and minimize cost and time.

Mr. Swope has demonstrated his contempt by perpetrating a criminal fraud upon this court, and attempted to further interfere with my beneficial relations with MIT by communicating false information to his client. As is publicly known, I am a "Great Dome" charitable donor to MIT, and the last activity I would like to see my donations fund is the fraudulent prancing of overpriced attorneys.

It is my belief and opinion that after negotiations in "good faith" with counsel representing MIT rather than Vest, that the discovery issues may be quickly resolved, saving further costs and the time of this Court.

Local Rule 7.1 (2) is clear. It requires "attempts in good faith". Mr. Swope failed to due so, perpetrated fraud on this Court, and should not further burden and endanger the community and this Court by continuing to represent MIT. I, therefore, request that this Court strike

Defendant MIT's Motion to Dismiss and Order Mr. Swope  
Removed as Counsel.

REQUEST FOR ORAL HEARING.

Respectfully submitted on February 21, 2005.



Dennis J. Solomon  
PO Box 289  
Yarmouth Port, MA 02675  
508 394 9221

Exhibit 1: Affidavit of Solomon  
Exhibit 2: Rule 7.1(A) (2) Statement of Mr. Swope

CERTIFICATE OF SERVICE: I certify that I served a copy of this document upon the titled  
Defendant by first class or electronic mail as agreed by the parties on February 21,  
2005.

